

Appl. No. 10/654,766
Amdt. dated 7/25/2005
Reply to Office Action of 6/30/2005

REMARKS/ARGUMENTS

This application has been carefully reviewed in light of the Non-Final Office Action dated June 30, 2005. By way of this amendment, claims 1,2, and 13 have been amended. Claim 6 has been canceled. Claims 14-21 are new. Claims 1-5 and 7-21 are currently pending in the application. Further review is requested in light of the following remarks.

Claims 1, 2, and 6 have been objected to because of informalities. Claim 1 has been objected to because the phrase "A optical disk" should read "An optical disk." Appropriate correction has been made. Claims 2 and 6 have been objected to because the phrase "the data comprises statistics, audio, ..." is not permitted, because in its independent claim (claim 1) the data is narrowly defined as "the data selected from the group consisting of..." Claim 2 has been amended by replacing the term "comprises" with the term "includes." Claim 2 is properly written. Claim 1 recites that "at least one element of data" is selected from the group. Whereas claim 2 recites that the data includes statistics, etc. This is proper because claim 1 only refers to one of the elements of data being selected from the group, not all of the elements of data. In contrast, claim 2 limits the data to specified items. Claim 6 has been cancelled, thus, the rejection is moot.

Claims 1-3, 6, and 12-13 have been rejected under 35 U.S.C. §102(b) as being anticipated by JP 10-138667-A (Yamashina). This rejection is respectfully traversed in light of the present amendments.

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Claim 1 is not anticipated by Yamashina. Claim 1 has been amended to recite that the disk has "an outside perimeter edge having an irregular, non-circular shape related to a subject matter of the disk." Yamashina teaches a rectangular disk having graphics positioned on a non-data side of the disk. Yamashina does not teach a disk having an outside edge with an irregular shape that is related to a subject matter of the disk. There is nothing irregular about a rectangular disk. The disk has two equal length parallel sides and two equal length parallel ends disposed perpendicular to and between the sides. Additionally, the rectangular shape of the disk is not related to the subject matter of the disk. Figure 1 of Yamashina shows a baseball player throwing a baseball. There is no correlation between the shape of the disk and the baseball player. In contrast, Figure 1 of the present invention shows a disk having a perimeter that is irregular and relates to the subject matter of the disk. As shown, the disk is in the shape of a baseball player. Thus, the rectangular shape of the disk is not irregular and does not relate to the subject matter of the disk.

Claim 6 has been cancelled, thus, the rejection is moot.

Claims 2, 3, 12, and 13 depend from independent claim 1, and are thus believed to be allowable for the reasons stated above. Additionally, claim 13 recites that the irregular, non-circular shape of the disk includes an automobile, an animal, or an athlete. Yamashina does not teach a disk having an irregular, non-circular shape in the form of an automobile, an animal, or an athlete. Yamashina only teaches a rectangular shaped disk (fig. 1) with graphics printed on the front printing surface (paragraph 21) of the disk. It is

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the graphics on the front printing surface that depicts a baseball player, not the shape of the disk. Accordingly, the rejection should be withdrawn.

Claims 4-5 and 7-11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashina in view of US 6,511,731 (Clark). This rejection is respectfully traversed in light of the present amendments.

Claims 4-5 and 7-11 depend from independent claim 1, and are thus believed to be allowable for the reasons stated above. Accordingly, the rejection should be withdrawn.

Claims 14-21 are not anticipated by Yamashina or Clark. Claim 14 recites that the disk has "a perimeter having a shape corresponding to the graphics, wherein the graphics identify the disk as a trading card." Neither Yamashina or Clark teach a disk having a perimeter having a shape corresponding to the graphics disposed on the disk. As discussed above, Yamashina discloses a rectangular disk with graphics disposed thereon. The shape of the perimeter of the disk does not correspond to the graphics, i.e. there is no correlation between a baseball player and a rectangular shape.

Clark teaches an optical disk with various shapes, such as a star (Fig. 7), but the shape of the disk does not correspond to the graphics disposed thereon. For example, Figure 6 of Clark shows an automobile disposed on a disk having two parallel flat sides and two curved ends, but the shape of the perimeter of the disk does not correspond to the automobile thereon. Any type of graphic could be disposed on the disk without regard to the shape of the perimeter of the disk. This is made clear when comparing Figure 6 and

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Figure 13 of Clark. As shown in Figure 13, the shape of the disk is the same as that shown in Figure 6, but the graphic is completely different.

Claims 15-17 depend from independent claim 14, and are thus believed to be allowable for the reasons stated above. Additionally, claim 15 recites that the shape of the disk includes "an automobile, an animal, or an athlete." Neither Yamashina or Clark teach a disk having the shape of an automobile, an animal, or an athlete.

Claim 18 recites that the graphics disposed on the non-data side have an outside perimeter, and that the outside edge of the disk follows at least a portion of the outside perimeter of the graphics. Neither Yamashina or Clark teach a disk having an outside edge that follows the outside perimeter of the graphics disposed on the non-data side of the disk.

Claims 19-21 depend from independent claim 18, and are thus believed to be allowable for the reasons stated above. Additionally, claim 20 recites that the outside perimeter of the graphics forms a shape selected from the group consisting of an automobile, an animal, and an athlete. Neither Yamashina or Clark teach graphics having a shape in the form of an automobile, an animal, or an athlete. Figure 1 of Yamashina shows a baseball player, but the graphics do not have an outside perimeter in the shape of the baseball player. Figure 8 of Clark shows an automobile, but the graphics do not have an outside perimeter in the shape of the automobile.

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In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 1-5 and 7-21 at an early date is solicited.

Respectfully submitted,



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